

ESTTA Tracking number: **ESTTA64115**

Filing date: **01/30/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	ManuRajvanshi		
Entity	Individual	Citizenship	INDIA
Address	1009 Magnolia Lane Branchburg, NJ 08876 UNITED STATES		

Attorney information	Stephen L. Baker Baker and Rannells, PA 626 N. Thompson Street Raritan, NJ 08869 UNITED STATES s.baker@br-tmlaw.com,a.kosar@br-tmlaw.com,n.friedman@br-tmlaw.com,d.c.mmunale@br-tmlaw.com Phone:908-722-5640
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Registration Subject to Cancellation

Registration No	2399628	Registration date	10/31/2000
Registrant	Aligne, Inc. 800 The Safeguard Building 435 Devon Park Drive Wayne, PA 19087 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 1998/07/01 , First Use In Commerce: 1998/07/01 Goods/Services: CONSULTING SERVICES, NAMELY, STRATEGIC GUIDANCE TO INFORMATION TECHNOLOGY EXECUTIVES		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	SCAN2212_000.pdf (4 pages)
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Signature	/Stephen L. Baker/
Name	Stephen L. Baker
Date	01/30/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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MANU RAJVANSHI,

Petitioner,

Mark: OPTISOURCING

v.

Reg. No.: 2399628

Filed: June 28, 1999

ALIGN, INC.,

Issued: October 21, 2000

Registrant.

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PETITION FOR CANCELLATION
PURSUANT TO 15 U.S.C. SECTION 1064(a)

In the matter of Trademark Reg. No. 2399628 for OPTISOURCING for Consulting Services, namely, strategic guidance to information technology executives ("Registrant's Services") in International Class 035, issued to Align, Inc. ("Registrant") on June 1, 2004, Manu Rajvanshi, ("Petitioner"), an individual residing at 1009 Magnolia Lane, Branchburg, New Jersey 08876, believes that he will be damaged by the continued registration of OPTISOURCING (the "Registration"), in International Class 035, as Registrant's mark and hereby petitions to cancel said registration pursuant to 15 U.S.C. §1064 (Trademark Act of 1946, §14).

As grounds of cancellation, it is alleged that:

1. U.S. Registration No. 2399628 issued on October 21, 2000 to Align, Inc.

2. Upon information and belief, Registrant was a corporation organized and existing under the laws of Pennsylvania located and doing business at 800 The Safeguard Building, 435 Devon Park Drive Wayne, Pennsylvania 19087 and such corporation is no longer doing business.

3. The Registration covers the trademark OPTISOURCING, for consulting services namely, strategic guidance to information technology executives in International Class 35.

4. Upon information and belief, the Registrant has abandoned the mark covered by the Registration. The Cancellation is, therefore, appropriate under Section 14(3) of the Lanham Act, 15 U.S.C. Section 1064(3).

5. Upon information and belief, Registrant has discontinued use of the mark covered by the Registration for those services specified therein. Upon further information and belief, Registrant intends not to resume use of such mark for the services specified, specifically consulting services.

6. Upon information and belief, the Registrant has discontinued use the mark covered by the Registration in International Class 035 for at least three (3) years.

7. The application filed on behalf of Petitioner to register OPTSOURCING (Serial No. 78428099) has been rejected by the P.T.O. on the grounds that the mark of Applicant (Petitioner herein), so resembles OPTISOURCING for Registrant's Services in International Class 035, as shown in U.S. Reg. No. 2399628 as to be likely to cause confusion, or to cause mistake, or to deceive [Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052 (d)].

8. Registrant's failure to make use of its alleged mark in the United States for a period of three (3) years is prima facie evidence of abandonment.

9. Registrant has abandoned the mark OPTISOURCING in International Class 035 in the United States and its U.S. Reg. No. 2399628 therefor.

10. The continued existence of Reg. No. 2399628 creates a serious cloud on Petitioner's continued right to use OPTISOURCING, alone or in combination, for the services set forth in its application.

11. Petitioner believes that he is and will be damaged by the continued registration of the mark to Registrant.

12. Upon information and belief, the domestic representative to be served is:

Eugene E. Renz Jr.
205 North Monroe Street
P O Box 2056
Media PA 19063-9056

WHEREFORE, Petitioner prays that Reg. No. 2399628 for the mark OPTISOURCING in International Class 035 be canceled.

Please recognize as attorneys for Petitioner in this proceeding BAKER and RANNELLS, PA, maintaining offices at 626 North Thompson Street, Raritan, New Jersey 08869. All correspondence is to be directed to:

Baker and Rannells, PA
Attn: Stephen L. Baker
626 North Thompson Street
Raritan, New Jersey 08869

Dated: January 30, 2006

BAKER AND RANNELLS, PA

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